

LYNNE C. HERMLE (STATE BAR NO. 99779)
JOSEPH C. LIBURT (STATE BAR NO. 155507)
JESSICA R. PERRY (STATE BAR NO. 209321)
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

Attorneys for Defendants
APPLE COMPUTER, INC. and
DAVID BLACK

WAUKEEN Q. MCCOY, ESQ.
LAW OFFICES OF WAUKEEN Q. MCCOY
703 Market Street, Suite 1407
San Francisco, CA 94103
Telephone: 415-675-7705
Facsimile: 415-675-2530

Attorneys for Plaintiff
NANCY ZAYED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NANCY ZAYED, an individual,

Plaintiff,

v.

APPLE COMPUTERS, a corporation doing
business in California; DAVID BLACK, an
individual, and DOES 1-50, inclusive,

Defendants.

Case No. C-04-1787

**STIPULATION AND [PROPOSED]
ORDER TO CHANGE TIME
REGARDING EXPERT WITNESS
DISCLOSURE DEADLINES
PURSUANT TO LOCAL RULE 6-2**



1 The parties hereto, and their undersigned counsel, hereby stipulate as follows:

2 WHEREAS the Court previously entered a Scheduling Order in this cause on
3 February 1, 2005;

4 WHEREAS the Scheduling Order sets forth dates related to the disclosure of
5 expert witnesses pursuant to F.R.C.P. 26(a);

6 WHEREAS the expert disclosure deadline is August 1, 2005 (*see* Sched. Order ¶
7 4), the deadline to disclose rebuttal expert witnesses is August 15, 2005 (*see* Sched. Order ¶ 5),
8 and the deadline to have heard any motion challenging the qualifications of or proposed
9 testimony of designated expert witnesses is September 16, 2005 (*see* Sched. Order, ¶ 7);

10 WHEREAS discovery closes on October 3, 2005;

11 WHEREAS the Parties agree that although discovery in this case has proceeded, it
12 has not been substantially completed, such that the expert witness reports required by Rule
13 26(a)(2)(B) if prepared today would be substantially incomplete based on the discovery thus far;

14 WHEREAS the Parties agree that the preparation of such incomplete reports
15 would be premature and a waste of resources;

16 WHEREAS Plaintiff has indicated her intention to move to file a Second
17 Amended Complaint, which will require further discovery into the new allegations and claims;

18 WHEREAS the Parties believe that extending the expert witness deadlines set out
19 above until after the court rules on the parties' dispositive motions will be conducive to the
20 efficient and expedient conduct of this litigation and will serve the ends of justice and avoid
21 unnecessary costs; and

22 WHEREAS the Parties have not previously requested any time modifications to
23 the Scheduling Order deadlines set by the Court,

24 NOW THEREFORE, IT IS AGREED AS FOLLOWS:

25 1. The deadlines set forth in the Court's February 1, 2005, Scheduling Order
26 should be modified as follows:
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28

- (a) the deadline to disclose expert witnesses pursuant to F.R.C.P. 26(a) is January 6, 2006;
- (b) the deadline to disclose rebuttal expert witnesses is January 20, 2006;
- (c) the hearing deadline for motions objecting to the qualifications or proposed testimony of any expert is March 6, 2006.
- (d) The discovery deadline is extended to February 20, 2006, as to expert discovery only, and shall otherwise remain October 3, 2005, for all non-expert discovery.

2. This Stipulation shall be made an Order of the Court.

Dated: July 20, 2005

LYNNE C. HERMLE
JOSEPH C. LIBURT
JESSICA R. PERRY
ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/

Jessica R. Perry
Attorneys for Defendants
Apple Computer, Inc. and David Black

Dated: July 20, 2005

WAUKEEN Q. MCCOY, ESQ.
LAW OFFICES OF WAUKEEN Q. MCCOY

/s/

Rachael Orejana
Attorneys for Plaintiff
Nancy Zayed

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 22, 2005

/s/ James Ware

Hon. James Ware
UNITED STATES DISTRICT JUDGE